

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KRIS TEPLIN,
Plaintiff,

v.

THE UNITED STATES OF AMERICA, et
al.,
Defendants.

Case No.17-cv-02445-HSG

**ORDER DIRECTING SUPPLEMENTAL
BRIEFING ON DEFENDANTS'
MOTIONS TO DISMISS**

Re: Dkt. No. 12, 17

Plaintiff Kris Teplin alleges a cause of action against Defendant Wendi Joiner in her individual capacity under the Drug Dealer Liability Act, Cal. Health & Safety Code §§ 11700 *et seq.* (“DDLA”). Dkt. No. 1 ¶¶ 46-61. In her Complaint, however, Plaintiff does not allege a basis for subject matter jurisdiction over Joiner. *See id.* ¶¶ 7 (alleging basis for subject matter jurisdiction over Defendant United States but not Joiner). Neither Plaintiff nor Joiner mentions the subject matter jurisdiction issue in its briefing.


“[F]ederal courts have a duty to raise and decide issues of subject matter jurisdiction *sua sponte*, if at any time it appears that subject matter jurisdiction may be lacking.” *Bank Julius Baer & Co. Ltd v. Wikileaks*, 535 F. Supp. 2d 980, 984 (N.D. Cal. 2008). Here, the Court may be able to exercise supplemental jurisdiction over Plaintiff’s DDLA claim against Joiner, but it is also true that “district courts may decline to exercise supplemental jurisdiction over a claim . . . if the claim raises a novel or complex issue of [s]tate law.” 28 U.S.C. § 1367(c)(1). California courts have said little about the DDLA or its statute of limitations, which the Court must analyze in determining whether Plaintiff’s claim is time-barred. Thus, the case very likely presents a novel issue of state law.

As such, Plaintiff, Joiner, and the United States are each directed to submit simultaneous

1 supplemental briefs, not to exceed five pages, focusing on whether and on what basis the Court
2 has subject matter jurisdiction over Plaintiff's DDLA claim against Joiner. The briefs must be
3 submitted by November 14, 2017. No responsive filings will be permitted.

4 **IT IS SO ORDERED.**

5 Dated: 10/31/2017

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8 HAYWOOD S. GILLIAM, JR.
9 United States District Judge
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